

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF OHIO**

IN RE:)	<u>IN PROCEEDINGS UNDER CHAPTER 13</u>
)	
SIMON Y. MOUSSA,)	CASE NO. 15-10624-aih
)	
Debtor)	U.S. BANKRUPTCY JUDGE
)	ARTHUR I. HARRIS

**MOTION OF DEBTOR, SIMON Y. MOUSSA,
FOR DETERMINATION OF FINAL CURE AND PAYMENT
OF POST-PETITION AMOUNTS**

Now comes the Debtor, Simon Y. Moussa, by and through his counsel, and hereby moves this Honorable Court for an Order, pursuant to Rule 3002.01(h) of the Federal Rules of Bankruptcy Procedure, determining that he has cured the default in payments to Select Portfolio Servicing, Inc. (hereinafter referred to as “SPS”) that existed upon the filing of this case and that he has paid all required postpetition amounts in full for the following reasons:

1. The Debtor, Simon Y. Moussa, filed his voluntary petition under Chapter 13 of the Bankruptcy Code on February 11, 2015.
2. The Debtor’s Chapter 13 Plan was confirmed by this Court on May 18, 2015.
3. On April 23, 2015, Nationstar Mortgage, LLC filed its Proof of Claim Number 5 herein,

giving notice that there existed no arrearage in payments under said mortgage at the time of the filing of this case.

4. On October 28, 2019, SPS filed its Notice of Claim Transfer.

5. On September 14, 2020, SPS filed its Notice of Postpetition Mortgage Fees, Expenses, and Charges, advising that it had advanced non-escrow real property taxes on March 19, 2020 in the sum of \$35,239.91.

6. On October 30, 2020, the Chapter 13 Trustee filed her Notice of Final Cure Payment herein, stating that she had paid nothing on Claim Number 5, now held by SPS.

7. On November 19, 2020, SPS filed its Response to Notice of Final Cure, asserting that it was then owed the sum of \$25,239.91 for “fees, charges, expenses, escrow, and costs outstanding”.

8. On or about December 2, 2020, SPS was paid the remaining advance in full.

WHEREFORE, the Debtor, Simon Y. Moussa, prays this Honorable Court for an Order pursuant to Rule 3002.01(h) of the Federal Rules of Bankruptcy Procedure, determining that he has cured the default in payments to Select Portfolio Servicing, Inc. (hereinafter referred to as “SPS”) that existed upon the filing of this case, that he has paid all required postpetition amounts in full through December 1, 2020, and for such other and further relief as this Court may deem just.

/s/ Stephen D. Hobt

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SERVICE

I certify that, on December 7, 2020, a true and correct copy of the foregoing Debtor's Motion for Determination of Final Cure and Payment was served:

Via the Court's Electronic Case Filing System on these entities and individuals who are listed on the Court's Electronic Mail Notice List:

Lauren A. Helbling, Esq., Chapter 13 Trustee, at Ch13cleveland@ch13cleve.com.
Stephen R. Franks, Esq., on behalf of Select Portfolio Servicing, Inc.,
at amps@manleydeas.com.
Edward H. Cahill, Esq., on behalf of JPMorgan Chase Bank, N.A.,
at amps@manleydeas.com.
Scott D. Fink, Esq., on behalf of PNC Bank, N.A., at ecfndoh@weltman.com.
Christopher J. Klym, Esq., on behalf of Ohio Department of Taxation, at bk@hhkwlaw.com.
Chrysostomos E. Manolis, Esq., on behalf of Nationstar Mortgage, LLC,
at cmanolis@logs.com.
Thomas R. Merry, Esq., on behalf of JPMorgan Chase Bank, N.A.,
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Beth M. Miller, Esq., on behalf of JPMorgan Chase Bank, N.A.,
at miller@bmillerlawoffice.com.
Charles J. Palmeri, Esq., on behalf of PNC Bank, N.A., at cjpalmeri@cjpalmeri.com.

And by regular U.S. mail, postage prepaid, on:

Simon Y. Moussa
36413 Montrose Way
Avon, Ohio 44011

Daniel J. Talarek, Treasurer
Lorain County, Ohio
226 Middle Avenue
Elyria, Ohio 44035

/s/ Stephen D. Hobt

STEPHEN D. HOBT
Attorney for Debtor